

*Sub C2*  
33. (amended). The system of claim 29 wherein the active material is impregnated into and/or deposited onto the three-dimensional textured film.

*Sub C2*  
36. (amended). The system of claim 35 wherein the water soluble material is selected from the group consisting of methylcellulose, hydroxyethylcellulose, carboxymethylcellulose, gelatin, and mixtures thereof.

### Remarks

#### **I. Status of the Claims**

Claims 1 - 46 remain pending in the application. Claim 1 has been amended to define the textured film as a three-dimensional textured film. Claims 2-3, 5-11, 13-14, 17, 22-25, 27 and 33 have been amended to be consistent with claim 1. Support for the amendment to claim 1 can be found, at least, at page 4, lines 36-37 and page 5, lines 6-8. Claims 13 and 14 have been amended in an effort to clarify the claimed invention thereby obviating the rejection under 35 U.S.C. §112, second paragraph of claim 13. Claim 36 has been amended to depend from claim 35, obviating the rejection under 35 U.S.C. §112, second paragraph. No new matter is introduced by this Amendment.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are captioned "Version With Markings To Show Changes Made."

#### **II. Restriction Requirement**

Applicants note that the restriction requirement has been withdrawn by the Examiner and all claims have been examined.

#### **III. Drawings**

In the Office Action, the Examiner objected to the Drawings for failure to include various aspects of the claimed invention.

The Examiner objects to the drawings noting that reference character 18 (page 10, line 5) is not present in any of the drawings. Applicants note that this is a typographical error in the specification. The reference character "18" for additional securing means should be deleted as there is no reference character 18 in Figure 3D. Applicants have amended the specification to correct this typographical error. Accordingly, withdrawal of this objection is respectfully requested.

The Examiner also states that the drawings must show "every feature of the invention specified in the claims." Specifically, the Examiner has required a drawing for each of the embodiments claimed in claims 8, 11-16, 19, 24 and 25. Applicants respectfully submit that the drawings suggested by the Examiner are not required as this application, as originally filed, satisfies the requirements of 35 U.S.C. § 113.

The first sentence of 35 U.S.C. § 113 requires a drawing to be submitted upon filing where such drawing is necessary for the understanding of the invention. Because the current application has been given a filing date, Applicants assume that the Office of Initial Patent Examination (OIPE) has reviewed the application and has determined that the additional drawings suggested by the Examiner were not necessary. See M.P.E.P. § 608.02, p. 600-86.

Under the second sentence of 35 U.S.C. § 113, a drawing may be required by the Examiner if the subject matter sought to be patented "admits of illustration by a drawing and the applicant has not furnished a drawing." Here, Applicants have furnished twenty-two (22) drawings with the filing of this application. Applicants respectfully submit that the drawings submitted are sufficient to satisfy the requirements of 35 U.S.C. § 113.

Further, Applicants respectfully ask the Examiner for support for the statement that the drawings "must show every feature of the invention specified in the claims." Applicants see no such requirement in 35 U.S.C. § 113, 37 C.F.R. § 1.81(c), or the M.P.E.P. Applicants respectfully submit that the application as filed, with twenty-two drawings, sufficiently describes the claimed invention. The embodiments claimed in claims 8, 11-16, 19, 24 and 25 would be clearly understood by one of ordinary skill in the art upon reading the present specification. For example, the shapes described in claims 8, 24 and 25 are conventional shapes. Further, the securing means and holding means claimed in claims 16 and 19 respectively, are conventional securing and holding means and are sufficiently described in the Specification, for example, at page 9, lines 23-35 and page 10, lines 17-23.

Finally, the embodiments of claims 11-15 are sufficiently described, for example, at page 8, line 19 – page 9, line 22 of the Specification. Accordingly, Applicants respectfully request that the objections to the drawings be withdrawn.

**IV. Claim Rejections – 35 U.S.C. § 112**

Claims 13 and 36 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 was rejected as failing to define the antecedent basis for “the two outer sheets.” Applicants have amended claim 13 to delete the phrase “the two outer sheets” thereby obviating the rejection under 35 U.S.C. §112.

Claim 36 was rejected as failing to define antecedent basis for “water soluble material.” Applicants have amended claim 36 to depend from claim 35 thereby obviating the rejection under 35 U.S.C. §112.

**V. The Rejection Under 35 U.S.C. §103 (a) Over Figures 4-6**

Claims 1 – 46 stand rejected under 35 U.S.C. §103 (a) as allegedly unpatentable over the prior art shown in Figures 4-6. Applicants respectfully traverse this rejection for the following reasons.

As amended the present claims are directed to a device comprising: (a) at least one gathered piece of three-dimensional textured film having textured variations; and (b) a securing means for substantially permanently holding the at least one gathered piece of textured film together. See claim 1. Claim 24 relates to a device comprising: at least one piece of three-dimensional textured film, wherein the device is in the form of a spherical poof, a mitt, a cloth having at least about 1.3 textured variations/cm<sup>2</sup>, a glove, a plurality of textured film appendages attached to a holding means or a textured film pad attached to a holding means. As discussed in the Specification, the devices of the claimed invention are not only gentle to the skin but also capable of creating superior lather when used with a typical liquid cleanser. Spec., page 2, lines 6-7.

As discussed above, the device<sup>4s</sup> of the claimed invention comprise a three-dimensional textured film. Indeed, as shown in FIG. 9, the cross-sectional view of the

Film, fish  
17  
20

apertured films suitable for use in the devices of the present invention illustrates that the textured films are **three-dimensional**. By contrast, both FIG. 5 and FIG. 6 illustrate that the mesh used in the prior art has essentially a two-dimensional cross sectional shape. FIG. 5 illustrates that the diamond mesh netting used in prior art polymeric puffs is comprised of individual filaments having a round or kidney-shaped cross-sectional shape. Moreover, as shown in FIG. 6, the areas of the diamond mesh netting where the filament strands are joined have a dumbbell-like cross-sectional shape. In contrast to the devices shown in Figures 4-6, the three-dimensional textured film used in the devices of the present invention result in devices that are significantly lighter than those prior art meshed poufs of similar overall size and shape. Accordingly, the two-dimensional prior art devices shown in Figures 4-6 fail to render obvious Applicant's claimed devices comprising a **three-dimensional** textured film having textured variations. Applicants therefore respectfully request withdrawal of this rejection.

**VI. The Rejection Under 35 U.S.C. §103 (a) Over U.S. Patent No. 4,525,411**

Claims 1-46 were also rejected under 35 U.S.C. §103 (a) as allegedly unpatentable over U.S. Patent No. 4,525,411 ("Schmidt").

Schmidt relates to a cleaning cloth made from microfibers having a nonporous fiber core and a foamed coating layer surrounding the core. Clearly, the Schmidt cleansing cloths are not made from films, much less, the three-dimensional textured films having textured variations used in Applicant's claimed devices. Accordingly, the microfiber cleansing cloths disclosed by Schmidt fail to render obvious Applicant's claimed devices comprising a three-dimensional textured film having textured variations. Applicants therefore respectfully request withdrawal of this rejection.

Applicants note the prior art (Laun, Shizuno, and Hotchkiss) made of record by the Examiner. None of the references, taken alone or in combination, teach or suggest a cleansing device comprising a three-dimensional textured film having textured variations.

**VII. Information Disclosure Statement**

Applicants note that page 7 of PTO-1449 submitted June 19, 2002 was not received with the Office Action. Applicants respectfully request the Examiner to furnish a copy of the initialed page 7.

**VIII. Conclusion**

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. An early and favorable response to this Amendment is earnestly solicited. If the Examiner feels that a discussion with Applicants' representative would be helpful in resolving the outstanding issues, the Examiner is invited to contact Applicants' representative at the number provided below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP-480/EMH. If a fee is required for an Extension of time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,



Erin M. Harriman  
Reg. No. 40,410  
Attorney for Applicants

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-3619  
July 17, 2002

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In The Specification:**

By winding the string 28, or applying any other suitable securing means 48, about the body 12, the interior portions 26B of the ruffles 26 become bunched together toward the center 100 of the body 12. As a result of this bunching effect, a central portion 30 is formed. A pair of lobes 32 formed of the loop ends 26A of the ruffles 26, which extend radially in every direction, project outwardly from the central portion 30. See United States Patent No.: 5,784,747. Because each loop end 26A generally has the same length, the lobes 32 of the body 12 formed thereby generally have a sphere-like shape. Due to the general pliability of the textured film material that makes up the body 12, the spherical shape of the body 12 is deformable during use of the cleansing device 10, e.g. the application of pressure and contacting of the device 10 to the desired surface to be cleaned in a scrubbing or scouring motion. Generally, the sphere-like shape of the body 12 will return after use without becoming separated.

**In The Claims:**

1. (amended). A device comprising:
  - a. at least one gathered piece of three-dimensional textured film having textured variations; and
  - b. securing means for substantially permanently holding the at least one gathered piece of textured film together.
2. (amended). The device of claim 1 wherein the three-dimensional textured film is comprised of polyethylene, polypropylene, ethylene vinyl acetate copolymer, metallocene polyethylene, and blends and copolymers thereof.
3. (amended). The device of claim 1 wherein the three-dimensional textured film has textured variations selected from the group consisting of holes, embossments, and combinations thereof.

5. (amended). The device of claim 1 wherein the three-dimensional textured film contains textured variations in the amount of from about 1.6 textured variations/ cm<sup>2</sup> to about 248 textured variations/ cm<sup>2</sup>.
6. (amended). The device of claim 1 wherein the three-dimensional textured film contains textured variations in the amount of from about 80 textured variations/ cm<sup>2</sup> to about 200 textured variations/ cm<sup>2</sup>.
7. (amended). The device of claim 1 wherein the three-dimensional textured film contains textured variations in the amount of from about 5.0 textured variations/ cm<sup>2</sup> to about 15 textured variations/ cm<sup>2</sup>.
8. (amended). The device of claim 1 wherein the three-dimensional textured film contains textured variations in the approximate shape of a circle, honeycomb, oval, heart, pear, hexagon, square, triangle, pentagon, stellate, rectangle or combination thereof.
9. (amended). The device of claim 1 wherein the three-dimensional textured film has an open area of no more than about 45 % based upon the total area of the perforated film.
10. (amended). The device of claim 1 wherein the three-dimensional textured film has an open area of greater than about 15% and less than about 35% based upon the total area of the perforated film.
11. (amended). The device of claim 1 further comprising an inner substrate that is substantially covered by the piece of three-dimensional textured film.
13. (amended). The device of claim 12 further comprising a second sheet of textured film, wherein the inner substrate is disposed between the [two outer sheets] second sheet of textured film and the piece of three-dimensional textured film.

14. (amended). The device of claim 12 wherein the inner substrate is disposed between the [outer sheet of] piece of three-dimensional textured film folded upon itself.

17. (amended). The device of claim 16 wherein the cord, ribbon, strip, string, band, or heat shrinkable material is elastic and attached to the three-dimensional textured film while the film is in an extended state.

22. (amended). The method of making the device of claim 1 comprising:

- a) gathering at least one piece of three-dimensional textured film to produce a desired arrangement of film; and
- c) securing the at least one piece of three-dimensional textured film with a securing means.

23. (amended). The method of claim 22 wherein the at least one piece of three-dimensional textured film is C-folded prior to gathering.

24. (amended). A device comprising:

at least one piece of three-dimensional textured film, wherein the device is in the form of a spherical poof, a mitt, a cloth having at least about 1.3 textured variations/cm<sup>2</sup>, a glove, a plurality of textured film appendages attached to a holding means or a textured film pad attached to a holding means.

25. (amended). The device of claim 24 in the form of the mitt, the cloth, or the glove, having a first side and a second side, wherein at least one of the sides is comprised of a three-dimensional textured.



27. (amended) The device of claim 24 wherein the open area of the three-dimensional textured film on the first side is different from the open area of the textured film on the second side.

33. (amended). The system of claim 29 wherein the active material is impregnated into and/or deposited onto the three-dimensional textured film.

36. (amended). The system of claim [34] 35 wherein the water soluble material is selected from the group consisting of methylcellulose, hydroxyethylcellulose, ca[r]boxymethylcellulose, gelatin, and mixtures thereof.